

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#:  
DATE FILED: 09/29/2021**

PRIYA HARRIRAM,

Plaintiff,

v.

JOSEPH LUIS FERA AND LEHMAN  
COLLEGE,

Defendants.

21-CV-3696 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

The Court is in receipt of Plaintiff's letter of September 27, 2021, stating that "the defendant's attorney has contacted [her] instead of [her] attorney appointed by the Court" and that she has "not heard from the attorney appointed by the Court" to represent her. Dkt. 21.

No such appointment has been made. In civil cases, unlike in criminal cases, there is no requirement that courts appoint counsel to a litigant who cannot afford a lawyer. *See Hodge v. Police Officers*, 802 F.2d 58, 60 (2d Cir. 1986). In fact, even if a court believes that a civil litigant should have a lawyer, it has no authority to "appoint" counsel, but instead may only "request" that an attorney volunteer to represent a litigant. *See Mallard v. US. Dist. Court for the S. Dist. of Iowa*, 490 U.S. 296, 301-310 (1989). In considering whether to grant an indigent litigant's request for pro bono counsel, a district court considers the merits of the case, the litigant's efforts to obtain a lawyer, and the litigant's ability to gather the facts and present the case if unassisted by counsel. *See Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989).

Plaintiff's request for pro bono counsel, Dkt. 3, is denied without prejudice, which means that Plaintiff may make the application again at a later point in the case. Plaintiff's request does not state that she has made any efforts to obtain a lawyer. As the application form she submitted

states, “requests for *pro bono* counsel are rarely granted at the early stages of a case and usually not before the Court has issued a decision on the merits of a case.” It is too early for the Court to assess the merits of Plaintiff’s case.

Ms. Harriram is advised that free legal assistance may be available to her through the New York Legal Assistance Group’s pro se clinic, which she may contact by visiting its website at [nylag.org/pro-se-clinic/](http://nylag.org/pro-se-clinic/) or by calling (212) 659-6190. This clinic, which is neither part of nor run by the Court, assists pro se litigants with federal civil cases.

The Clerk of Court is respectfully directed to terminate Dkt. 3 and to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: September 29, 2021  
New York, New York

A handwritten signature in black ink, appearing to read 'RA', is written over a horizontal line.

Ronnie Abrams  
United States District Judge